

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

EARLE E. AUSHERMAN, et al. *

Plaintiffs *

vs. * CIVIL ACTION NO. MJG-01-438

BANK OF AMERICA CORPORATION, *
et al.

Defendants *

* * * * *

ORDER

In accordance with the proceedings held in this matter on
this date:

1. There shall be a hearing on Defendant's Motion for Attorneys' Fees [Paper 217] commencing Wednesday, December 8¹ at 10:00 a.m. with the possibility of extending into the following day.
2. By November 17, the parties shall provide each other and the Court with the identity and estimated duration of direct examination of all witnesses at the hearing.
3. Also by November 17, Defendant shall provide opposing counsel with back up information regarding the fees sought.
4. By November 24, the parties shall provide each other and the Court with a list of hearing exhibits and shall provide each other (but not the Court) with copies of any exhibits not previously provided.²

¹ All dates referred to herein are in the year 2004.

² The Court does not require the advance submission of exhibits.

5. The hearing shall proceed as follows:
 - a. Opening statements
 - b. Testimony from witnesses
 - c. Presentation of documentary evidence
 - (1) The Court will take judicial notice of any designated materials already on the record.
 - (2) The Court expects that there will be agreement as to the genuineness of all exhibits unless there is a bona fide basis for dispute.
 - d. There will be a subsequent proceeding, to the extent necessary, with regard to the determination of the amount (if any) to be awarded. Accordingly, at the December 8 hearing:
 - (1) Neither side needs to present witnesses regarding the reasonableness of the fee request.
 - (2) There may, however, be a discussion regarding the fee evidence as it relates to the decision in regard to liability.

SO ORDERED, on Friday, October 29, 2004.

/ s /

Marvin J. Garbis
United States District Judge